

OCT 23 2006

Docket No. F-8120

Ser. No. 10/764,665

REMARKS

Claims 2-6, 8, 9, and 16-23 remain pending in this application. Claims 2, 3, 5, 6, 8, 11, 13, and 16-27 are rejected. Claims 1, 7, 10-15 and 24-27 are previously cancelled. Claims 4 and 9 are withdrawn. Claims 2, 5, 6 and 8 are amended herein to clarify the invention and to address matters of form unrelated to issues of substantive patentability.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

Claims 5 and 8 are objected to based on an informality in claim wording. The claims are amended to address the noted issues. Withdrawal of the objection is respectfully requested.

Claims 11, 13 and 24-27 are rejected under 35 U.S.C. § 102(b) as anticipated by Nalle (US 3,104,493). The Examiner's attention is drawn to the previous amendment filed May 19, 2006, in which claims 11, 13 and 24-27 were cancelled, and which thereby rendered these rejections, repeated herein, moot.

Claims 2, 3, 5, 6, 8 and 16-23 are rejected under 35 U.S.C. § 103(a) as obvious over Nalle in view of Weddendorf (US 5,340,252).

It is respectfully submitted that a *prima facie* case of obviousness cannot be established in rejection of the amended claims. "To establish a *prima facie*

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case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

In the present instance, the proffered combination fails to teach all claimed features of independent claims 2 and 6. For example, the claimed subject matter directed to fitting pieces extending orthogonally outward of the attachment part formed as a result of a permanent outward deformation applied after insertion of the attachment part in an axial direction into said receiving hole is not taught by the references. In contrast, the elements being equated with the claimed fitting pieces disclosed in Nalle (shoulder 22) are only resiliently deformed (spring-like), as described at col. 3, lines 2-20.

In addition, automatic protection against loss of tightening power in the event of an axial shifting of the bolt relative to the attachment member in an

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insertion direction due to the biasing power of the spring acting on the nut segments could not be derived from the combination of references, particularly since the bolt of Nalle is inserted in a direction opposite to that as claimed. In particular, the claimed invention requires insertion of the bolt from the side of the nut on which the attachment part is disposed, whereas the disclosure of Nalle shows insertion from an opposite direction, i.e., from the side at which the nut body 20 is disposed, which is opposite to the shoulder 20.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2, 3, 5, 6, 8 and 16-23 and their allowance are respectfully requested.

Claims 2, 3, 5, 6 and 8 are rejected under 35 U.S.C. § 103(a) as obvious over Meredith (US 5,655,936) in view of Weddendorf, and further in view of Mehlberg (US 5,842,894).

In accordance with the recitations of the rejected claims, because the quick release nut is fixed to the attachment member in the manner as claimed, relative axial movement therebetween is prevented, and loss of tightening power to the bolt is prevented by the spring biasing in a tightening direction in the event of shifting, expansion or contraction of the bolt. Nothing contained within the

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references themselves suggest a combination which would result in such advantage.

As previously noted by applicant, the basic issue in determining whether a finding of obviousness is warranted is whether the applied references, alone or in any combination, suggest the claimed invention as a solution to the specific problem solved. It is the vantage point of attacking the problem at the time the invention was made that is to be examined. When prior art itself does not suggest or render obvious the claimed solution to that problem, the art involved does not satisfy the criteria of 35 U.S.C. §103 for precluding patentability. *Lindemann Maschinefabrik GmbH v. America Hoist and Derrick Co.*, 221 U.S.P.Q. 481 (Fed. Cir. 1984).

In the present instance, none of the references could possibly suggest anything that would lead one skilled in the art to arrive at the present invention. In particular, it is noted, quite significantly, that the bolt 12 shown and described in Meredith, cited for its teaching relating to a captive nut/attachment member combination, cannot axially shift, given the fact that the attachment member (terminal 18) is of bowed configuration with concave surfaces 34 and immovably abuts the battery terminal surface 14 to which the bolt is affixed, thereby preventing axial shifting. Thus, the reference cannot suggest or provide useful

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guidance at arriving at the solution to the problem addressed by the presently claimed invention.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. *Carela v. Starlight Archery*, 231 U.S.P.Q. 644 (Fed. Cir. 1986). Furthermore, it is improper as a matter of law to use the claims presented as a blueprint to combine prior art references. *Ashland oil, Inc. v. Delta Resins & Refractories, Inc.*, 227 USPQ 657, 667 (CAFC 1985).

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2, 3, 5, 6 and 8 and their allowance are respectfully requested.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. The fee of \$60 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the

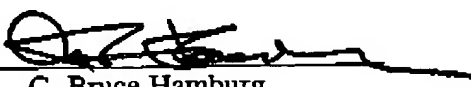
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USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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